

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

FILED BY CLERK

MAY 25 2007

COURT OF APPEALS  
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

NEREA GOITI ANDICOECHEA,

Appellant.

2 CA-CR 2005-0333

DEPARTMENT B

MEMORANDUM DECISION

Not for Publication

Rule 111, Rules of  
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-35683

Honorable Leslie Miller, Judge

AFFIRMED

Robert J. Hooker, Pima County Public Defender  
By John F. Palumbo

Tucson  
Attorneys for Appellant

E C K E R S T R O M, Presiding Judge.

¶1 Appellant Nerea Goiti Andicoechea did not appear for her 1992 jury trial and was tried in absentia. In accordance with the jury's verdicts, she was convicted of unlawful transfer of marijuana weighing under one pound, unlawful offer to sell marijuana weighing eight pounds or more, and unlawful possession for sale of marijuana weighing eight pounds

or more. After Andicoechea was apprehended in 2005, the trial court sentenced her to presumptive and mitigated terms of imprisonment to be served concurrently. The longest of these sentences was 5.25 years.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing he has reviewed the entire record but has found no arguable legal issues to raise on appeal. In compliance with *Clark*, counsel has provided “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” *Id.* ¶ 32. Counsel asks us to search the record for reversible error. Andicoechea has not filed a supplemental brief.

¶3 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety, viewing the evidence in the light most favorable to upholding the verdicts. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). We are satisfied that the record supports counsel’s recitation of the facts.

¶4 At Andicoechea’s trial, Agent Brett Barber of Pima County’s Metropolitan Area Narcotic Trafficking and Interdiction Squad (MANTIS) testified that Andicoechea had agreed to sell him and MANTIS Agent Jesus Celaya 180 pounds of marijuana and that when Barber appeared at Andicoechea’s home for the arranged sale, Andicoechea and a male associate showed him bales and bags of marijuana in two of the home’s bedrooms. Barber testified that he said to Andicoechea that “everything was okay” and that he “was going to

be calling the money in,” but he instead called for a special weapons and tactics team to secure the house and seize the marijuana. According to Barber, 220 pounds of marijuana was seized; in his experience, this exceeded an amount intended solely for personal use. Quentin Peterson, a criminalist with the Tucson Police Department, tested samples from the seized bales and bags and confirmed the material to be marijuana.

¶5 This substantial evidence supported all elements necessary for Andicoechea’s convictions. *See* A.R.S. § 13-3405(A)(2) and (A)(4); *State v. Jones*, 125 Ariz. 417, 419, 610 P.2d 51, 53 (1980) (substantial evidence is that which “reasonable persons could accept as adequate and sufficient to support a conclusion of defendant’s guilt beyond a reasonable doubt”). Furthermore, the sentences the trial court imposed were within the statutory range authorized by A.R.S. § 13-603. We have found no error and therefore affirm the judgment of convictions and the sentences.

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PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

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J. WILLIAM BRAMMER, JR., Judge

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PHILIP G. ESPINOSA, Judge